

03 JAN 10 PM 1:34

Vol M03 Page 01839

**RECORDING COVER SHEET FOR  
NOTICE OF SALE PROOF OF  
COMPLIANCE**  
Per ORS 205.234

State of Oregon, County of Klamath  
Recorded 01/10/2003 1:34 pm.  
Vol M03 Pg 1839-1848  
Linda Smith, County Clerk  
Fee \$ 81.<sup>00</sup> # of Pgs 10

**AFTER RECORDING RETURN TO:**  
Attorneys Equity National Corporation  
23721 Birtcher Drive  
Lake Forest, CA. 92630  
TS#: 56539-F

1. TRUSTEE'S NOTICE OF SALE
2. AFFIDAVIT OF MAILING NOTICE OF SALE
3. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
4. PROOF OF SERVICE

Original Grantor on Trust Deed: **ROBERT GARDNER AND JERRI GARDNER, HUSBAND AND WIFE**

Beneficiary: **BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE BY  
RESIDENTIAL FUNDING CORPORATION, ITS \***

**THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY  
ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE  
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.**

661 115

**NOTICE OF TRUSTEE'S SALE**

Reference is made to that certain Trust Deed made by ROBERT GARDNER AND JERRI GARDNER, HUSBAND AND WIFE, as grantor(s), to FIRST AMERICAN TITLE INSURANCE CO., as Trustee in favor of HERITAGE MORTGAGE CORPORATION, AN OREGON CORPORATION, as beneficiary, dated April 8, 1999, recorded April 14, 1999 in the Records of KLAMATH County, Oregon, in Book/Reel/Volume/No. ---- at Page ----, and/or as Fee/File/Instrument/Microfilm/Reception No. \* , covering the following described real property situated in the above-mentioned county and state, to-wit:

\*BOOK M99, PAGE 14336  
 LOT 1, BLOCK 6, RIVER PINE ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON  
 FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Parcel Number: R132109

Although the undersigned Trustee disclaims any liability for any incorrectness herein, the street address or other common designation, if any, of the real property described herein is purported to be:

**1145 RECTOR DRIVE**

**LAPINE, OR 977390000**

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735 (3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to pay the monthly payments in the amount of \$727.38 due beginning July 1, 2002 and monthly late charges in the amount of \$58.19 and subsequent installments due thereafter, together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust. Trustee's fees and other costs and expenses associated with this foreclosure and any further breach of any term or condition in subject note and deed of trust.

By reason of said default, the beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

1. Principal of \$78,750.00 and accruing interest as of June 1, 2002 at the rate of 11% per annum from June 1, 2002 until paid.
2. \$116.38 in late charges plus future charges.

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**NOTICE OF TRUSTEE'S SALE**

Trustee Sale Number: 56539-F

Loan Number: 800707580

TSG Number: 2410416

Recording Requested by  
 And when recorded mail to:  
 FIDELITY NATIONAL TITLE INSURANCE COMPANY  
 c/o Attorneys Equity National Corporation  
 23721 Birtcher Drive  
 Lake Forest, CA 92630  
 (503) 887-3020

3. Together with title expenses, costs, trustee's fees, attorney fees, and any other cost advances made by beneficiary to protect its interest in the said property pursuant to the terms of said Trust Deed.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, c/o Attorneys Equity National Corporation, the undersigned trustee will on January 27, 2003 at the hour of 10:00 AM, as established by Section 187.110, Oregon Revised Statutes, at the following location: AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE 316 MAIN ST. KLAMATH FALLS, OR., State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

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**NOTICE OF TRUSTEE'S SALE**

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(503) 887-3020

The right under ORS 86.753 to have the proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the notice of default, at any time prior to five days before the date last set for the sale.

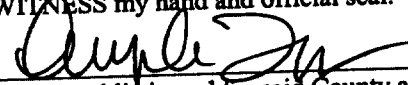
September 12, 2002

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY

  
By: Attorneys Equity National Corporation, as Agent  
Charles Alderman, III, Vice President

State of California  
County of Orange  
On this 12 day of Sept 02 before me, Angela Turkich, a Notary Public in and  
for said county and state, personally appeared Charles Alderman III, personally  
known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name subscribed to  
the within instrument and acknowledged that he/she executed the same.

WITNESS my hand and official seal.

  
Notary public in and for said County and State



#### NOTICE OF TRUSTEE'S SALE

Trustee Sale Number: 56539-F  
Loan Number: 800707580  
TSG Number: 2410416

Recording Requested by  
And when recorded mail to:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
c/o Attorneys Equity National Corporation  
23721 Birtcher Drive  
Lake Forest, CA 92630  
(503) 887-3020

## A F F I D A V I T     O F     M A I L I N G

STATE OF     CALIFORNIA]  
COUNTY OF     ORANGE]

Trustee Sale Number: 56539-F

JENNIFER RIEDEL of Attorneys Equity National Corporation being duly sworn, and deposes says:  
That he/she is over the age of eighteen years;  
That on 09/26/02 by certified mail properly enclosed in a sealed envelope with the prepaid postage thereon, he/she deposited in the United States Post Office at Lake Forest, CA, a true and correct copy of the referenced Notice of Default & Notice of Trustee's Sale addressed to the following:

Cert#: 7002 0510 0002 0661 3973  
& Regular Mail

ROBERT GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739

Cert#: 7002 0510 0002 0661 3980  
& Regular Mail

ROBERT GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739-0000

Cert#: 7002 0510 0002 0661 3997  
& Regular Mail

JERRI GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739

Cert#: 7002 0510 0002 0661 4000  
& Regular Mail

JERRI GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739-0000

Cert#: 7002 0510 0002 0661 4017  
& Regular Mail

ROBERT GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739-0000

Cert#: 7002 0510 0002 0661 4024  
& Regular Mail

JERRI GARDNER  
1145 RECTOR DRIVE  
LAPINE, OR 97739-0000

I certify under penalty of perjury that the foregoing is true and correct.

Date: 09/26/02

x 

4024 4017 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

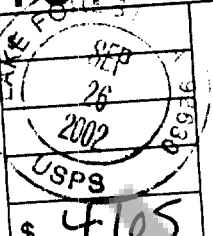
Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

01844

4017 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

4000 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

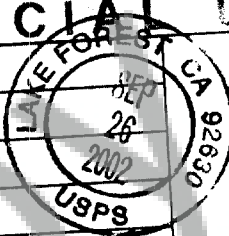
Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

3997 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

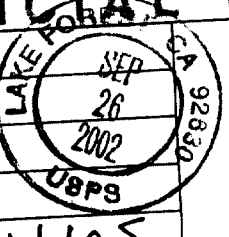
Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

3988 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

3973 0002 0510 0000 1990 0661

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.05		

Sent To \_\_\_\_\_  
Street, Apt. No.,  
or PO Box No. \_\_\_\_\_  
City, State, ZIP+4 \_\_\_\_\_

01845

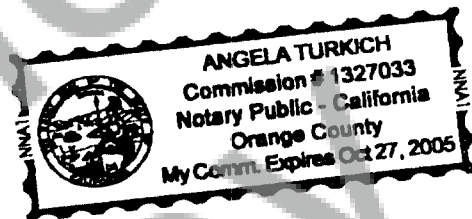
STATE OF CALIFORNIA  
COUNTY OF ORANGE

ON SEPTEMBER 26 20 02 BEFORE ME, ANGELA TURKICH  
PERSONALLY APPEARED JENNIFER RIEDEL  
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF  
SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S)  
IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED  
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR  
AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR  
SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY  
UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE  
INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE

[Signature] (SEAL)





182343

56539-F

**AFFIDAVIT OF SERVICE**  
**TRUSTEE'S NOTICE OF SALE**

Case Number: 56539-F

01846

Beneficiary:  
**HERITAGE MORTGAGE CORPORATION, an Oregon Corporation,**

vs.

Grantor(s):  
**ROBERT GARDNER & JERRI GARDNER,**

For:  
Attorneys Equity National Corporation  
23721 Bircher Drive  
Lake Forest, CA 92630

Received by Capitol Investigation Company (Bend) on the 15th day of September, 2002 at 11:56 am to be served on  
**OCCUPANT(S), 1145 Rector Drive, La Pine OR 97739.**

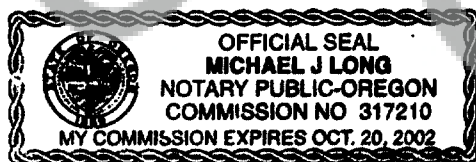
I, Jared Butler, being duly sworn, depose and say that on the 17th day of September, 2002 at 7:40 pm, I:

Did **PERSONALLY SERVE** true copies of the within **TRUSTEE'S NOTICE OF SALE** by delivering said copies personally and in person, to **ROBERT GARDNER** at the aforementioned address and at the same time I did **SUBSTITUTE SERVE ALL OTHER OCCUPANTS** by delivering a true copy to the above named, and informing said person of the contents thereof. Said person is 14 years of age or older, and is a co-occupant of the dwelling house or usual place of abode.

**CERTIFICATE OF MAILING:** I hereby certify that on September 18, 2002, I did cause to be **MAILED**, a copy of the aforementioned documents together with this statement of the date, time, place and person to which **SUBSTITUTED SERVICE** was made at the above address.

(If mailed by other than server \_\_\_\_\_)

I further certify that I am a competent person over the age of 18 and a resident of the state of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise; that the person served by me is the identical person named in the action. I also declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service including service fees is true and correct.



Subscribed and Sworn to before me on the 18th day of September, 2002 by the affiant who is personally known to me.

  
NOTARY PUBLIC

  
Jared Butler  
Process Server

Capitol Investigation Company (Bend)  
P.O. Box 3225  
Portland, OR 97208  
(503) 284-8888

Our Job Serial Number: 2002003238  
Ref: 02-xxxxx-M



56539-F

01847

Section 66.735(3) of Oregon Revised Statutes, at the default for which the foreclosure sale was held, to the grantor, shall be to pay the monthly payments on the debt in the amount of \$722.00 due beginning July 1, 2002 and monthly late charges in the amount of \$19.00 and subsequent monthly payments due thereafter together with all subsequent advances by the beneficiary pursuant to the terms and conditions established of trust, trustee's fees and other costs and expenses associated with this foreclosure and any further breach on any term or condition in subject notes and deed of trust, to be paid by:

By reason of said default, the beneficiary has declared all obligations secured by the Trust Deed null and void, and has sold, committed to sell, and is offering for sale following to wit: lot 19, principal amount \$787,500.00 and accruing interest to and on June 1, 2002, at the rate of 12.50 per annum from June 1, 2002 until paid in full, 2.51633 in default charges, plus future charges and costs together with the expenses, costs, trustee's fees, attorney's fees and any other cost and advances made by the beneficiary to protect the interest in the property, all of them to the terms of said Trust Deed.

Wherefore, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, N.Y. City, the Equitable National Corporation, is the undersigned trustee will on January 27, 2003 at the hour of 10:00 AM as established by Section 187.110, Oregon Revised Statutes, at the following location, at the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him or the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is hereby given that the beneficiary and trustee by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 66.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest, grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the commissions of the trustee as provided by law and the reasonable fees of trustee's attorney.

In construing this

notice, the singular  
 include the plural  
 the word "and"  
 include "or" and  
 some of the cases  
 or among the cases  
 any of the cases  
 owing to the fact  
 the performance of  
 which is secured by  
 said proceeds and  
 the word "and" in  
 and be a fiduciary in  
 elude the proceeds of  
 five percent and the  
 interest in any of the  
 The right under  
 ORS 223.01 to have  
 the proceeds of the  
 missed in the first  
 deed, insisted by  
 payment of the en-  
 tire amount of the  
 due to the fact that  
 cost of the deed and  
 attorney's fees and  
 by giving any other  
 default, committed  
 or in the case of  
 default, the proceeds  
 of the sale of the  
 property shall be  
 paid to the National  
 Agricultural Bank  
 of America, Inc.  
 President, 18243  
 10th Ave. S.W.  
 Seattle, Wash.  
 98148

Unofficial Copy

NOTED FOR THE RECORD

NOTED FOR THE RECORD